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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/592,003	09/07/2006	Kouji Kawamura	1033318-00035	6773
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EXAMINER MUSLEH, MOHAMAD A				
ART UNIT 2832		PAPER NUMBER		
NOTIFICATION DATE 05/30/2008		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ADIPFDD@bipc.com

Office Action Summary

Application No.

10/592,003

Applicant(s)

KAWAMURA ET AL.

Examiner

MOHAMAD A. MUSLEH

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Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 March 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed on **03/04/2008** with respect to **claim 1** have been fully considered and are persuasive. The **rejection of 01/15/2008** has been withdrawn.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 1, 7 and 8** are rejected under **35 U.S.C. 103(a)** as being unpatentable over **Leitl et al. US 7,135,953 B2 [leitl]** in view of **Larranaga et al. US 6,466,424 B1 [Larranaga]**.

3. Regarding **claims 1 and 8**, at **[figs. 6-13] leitl** teaches a thermal trip device **[1]** in which a bimetal **[3/4]** is heated by over current and performs trip operation of a circuit by curvature of the heated bimetal **[abstract]**. But **leitl** does not teach that the surface of a temperature measurement part of the bimetal is a bending part and made to be black.

Larranaga teaches that it is known to have a bend target with black color to be monitored for temperature, as set forth at **[col. 3, lines 13-43]**. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify **leitl's** teachings in order to have a black part as taught by

Larranaga to increase the heat emissivity of the target which is detected by a heat sensor for testing and monitoring.

4. **Claims 2-6** are rejected under **35 U.S.C. 103(a)** as being unpatentable over **Larranaga** as applied to **claim 1** above, and further in view of **GB 1,419,528[GB528]**.

5. Regarding **claims 2-6**, **leiti** and **Larranaga** disclose the claimed invention except for that the temperature measurement part of the bi-metal is made to be matte black. **GB528** teaches that it is known to use a matte black layer on a bi-metal strip as set forth at **[page 2, lines 21-26]**. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify **leiti's** teachings in order to have a matte black part as taught by **GB528** to increase the heat emissivity of the target which is detected by a heat sensor for testing and monitoring.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. **See the notice of references cited (PTO-892)**. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Mohamad A. Musleh** whose telephone number is **(571) 272-9086**. The examiner can normally be reached on M-F (7:30-5:00 Est. Time) 1st Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Elvin G. Enad** can be reached on **(571) 272-1990**. The

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fax phone number for the organization where this application or proceeding is assigned is **(571) 273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (**PAIR**) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see **<http://pair-direct.uspto.gov>**. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (**EBC**) at **866-217-9197 (toll-free)**. If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call **800-786-9199 (IN USA OR CANADA)** or **571-272-1000**.

/Elvin G Enad/

Supervisory Patent Examiner, Art Unit 2832

/Mohamad A Musleh/

Examiner, Art Unit 2832